

RAWLE & HENDERSON LLP



MEMO ENDORSED

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February 11, 2005

Via Facsimile: 212.805.7968

The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/14/05

RE: **Valerie Shore v. Reliance Standard Life Insurance Company, et al.**
Civil Action No.: 04-CV-4152
Our File No.: 801.505

Dear Judge Karas:

ECF.

I write regarding the February 2, 2005 letter from David Preminger and the Court's February 9, 2005 Order in the form of endorsement. A copy of the same is attached hereto. As indicated in Mr. Preminger's letter, I spoke with him regarding a revised briefing schedule with regard to the respective Motions for Summary Judgment and consented to a joint request to extend the applicable briefing schedule. It was my understanding that the request was for a joint extension for both parties to respond to the respective Motions for Summary Judgment on February 22, 2005 and that both parties' reply papers would be due on March 8, 2005. Although the Court has endorsed the correspondence from plaintiff's counsel, the additional handwritten notations by the Court apply the extension only to plaintiff's response to Defendant's Motion for Summary Judgment.

For the reasons stated within David Preminger's February 2, 2005 letter, I write to request that the Court equally apply the extension to both plaintiffs and defendants. The parties are continuing attempts to resolve this matter through settlement. There has been no prior request by defendants for an extension in this case. I apologize for the delay in submitting this request, as the Court's Order was entered on February 4, 2005. However, I have been out of the office and have just received a copy of the Order entered by the Court.

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Thank you in advance for your consideration of this request.

Respectfully yours,

RAWLE & HENDERSON LLP

By: *Heather J. Holloway*
Heather J. Holloway

HJH/rp

cc: David Preminger, Esquire (via facsimile: 212.867.6878)

Defendant's application is GRANTED.
The motion schedule revision, entered on
February 4, 2003, applying to both parties' Third
Responses to the respective Summary Judgment motions
~~and~~ ^{are} due on February 22, 2003, and replies are
due on March 8, 2003. No further extensions will
be granted.

[Handwritten signatures]
KENNETH M. KARAS U.S.D.J.

2/10/05

FEB-04-2005 FRI 06:20 PM

02/04/2005 17:50 FAX 212 667 1900

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002/003

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MEMO ENDORSED

February 2, 2005

By Hand

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Valerie Shore v. PaineWebber Long-Term Disability Plan*
No. 04 Civ. 4152 (KMK)

Dear Judge Karas:

We are the attorneys for the plaintiff in the referenced action. We write to request a short extension of time with respect to the briefing schedule for the parties' respective motions for summary judgment. No extensions have previously been requested.

By Memo endorsed dated January 19, 2005, your Honor approved a schedule requiring opening papers by January 11, 2005, opposition papers by February 8, 2005, and reply papers by February 22, 2005.

Our opposition brief (for which I am solely responsible) to 13 motions to dismiss in an action in the Northern District of Indiana is also due February 8, 2005 (which cannot be extended). I am also solely responsible for the referenced action. Because I will be out of town from February 9, 2005 through February 13, 2005, we respectfully request that the date for submission of opposition papers herein be extended to February 22, 2005 and the date for submission of reply papers be extended to March 8, 2005.

We have communicated with counsel for defendants concerning this request and

In addition, preliminary settlement discussions were just begun and the extension

Feb 4 2005 18:28

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JUDGE KARAS

Honorable Kenneth M. Karas

Re: Valerie Shore v. PaineWebber Long-Term Disability Plan
No. 04 Civ. 4152 (KMK)

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will allow the parties to determine if a settlement is possible without the necessity of further Court involvement.

Thank you for your Honor's attention to and consideration of this matter.

Respectfully submitted,
Rosen Preminger & Bloom LLP


By: _____
David S. Preminger


Heather J. Holloway, Esq. by facsimile

Application is GRANTED. Plaintiff's
response to defendant's summary judgment motion
is now due February 22, 2005. Reply papers
are now due on March 8, 2005. No further extensions
without my grant

SO ORDERED.


KENNETH M. KARAS
2/4/05